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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,580	08/29/2001	Keith Hankin	80168-0238 5009 EXAMINER	
32658	7590 07/12/2004			
HOGAN & HARTSON LLP ONE TABOR CENTER, SUITE 1500 1200 SEVENTEEN ST. DENVER, CO 80202			VEĻĻĽARD, JACQUES	
			ART UNIT	PAPER NUMBER
			2175	0
			DATE MAILED: 07/12/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)			
Office Action Summers	09/940,580	HANKIN ET AL.			
Office Action Summary	Examiner	Art Unit			
	Jacques Veillard	2175			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	i6(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days fill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 04 M	ay 2004.				
2a) ☐ This action is <b>FINAL</b> . 2b) ☒ This	action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4) ⊠ Claim(s) 1-12,14-24,38,41-44 and 3033 is/are   4a) Of the above claim(s) is/are withdraw 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) 1-12,14-24,30,33-38,41-44 are subjected.	vn from consideration.	quirement.			
Application Papers					
9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the Examine 11).	epted or b) objected to by the Edrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the prior application from the International Bureau * See the attached detailed Office action for a list	s have been received. s have been received in Applicati ity documents have been receive i (PCT Rule 17.2(a)).	on No ed in this National Stage			
Attachment(s)  1) \[ \sum \] Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	(PTO-413)			
2) Notice of References Cited (PTO-992)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date	Paper No(s)/Mail Da				

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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-7, 12, 14-21, 22-24, 30, 34-38, 43, and 44, drawn to a method, system and computer usable medium for managing and searching persistent objects for an application accessing data, wherein the persistent objects are stored in at least one data source, classified in class 707, subclass 001.
  - II. Claims 8-11, drawn to an application system supported by a Java programming environment comprising a relational database for storing a first set of persistent objects correlating to an application, and LDAP repository for storing a second set of persistent objects correlating to the application, classified in class 707, subclass 004.
  - III. Claims 33, 41, and 42, drawn to a method for resolving a stale data state between a persistent object and an application accessing the persistent object for data comprising an executing process including a revision attribute, a retrying process and an incrementing process for incremented the revision attribute, classified in class 703, subclass 13.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention in group I has separate utility such as it is usable in a method, system and computer usable medium for managing and

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searching persistent objects for an application accessing data, wherein the persistent objects are stored in at least one data source, classified in class 707, subclass 001. Without requiring an application system supported by a Java programming environment comprising a relational database for storing a first set of persistent objects correlating to an application, and LDAP repository for storing a second set of persistent objects correlating to the application, classified in class 707, subclass 004. Without requiring a method for resolving a stale data state between a persistent object and an application accessing the persistent object for data comprising an executing process including a revision attribute, a retrying process and an incrementing process for incremented the revision attribute, classified in class 703, subclass 13. See MPEP § 806.05(d).

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3. Because these inventions are distinct for the reasons given above and because the search required for each group is different and not co-existensive for examination purpose, these groups would require different searches in PTO's classification class and subclass. The group I search (Claims 1-7, 12, 14-21, 22-24, 34-38, 43, and 44) would require use of search classified in Class 707, subclass 001, which would not required for Groups II, and III. The group II search (claims 8-11) would require use of search classified in Class 707, subclass 004, which would not required for Groups I and III. The group III search (claims 33, 41, and 42) would require use of search classified in class 703, subclass 013, which would not required for groups I and II. Therefore restriction for examination purposes as indicated is proper.

- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement is traversed (37 CFR 1.143).
- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of the of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).
- 6. Any response to this action should mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

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## Or faxed to:

(703) 305-9051 (for formal of draft communication intended for entry)

Or:

(703) 308-5357 (for informal of draft communications, please label "PROPOSED" or "DRAFT")

Hand- delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington VA, Sixth floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (703) 305-7094. The examiner can normally be reached on Monday-Friday from 8:30 AM to about 4:00 PM., and on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor,

Dov Popovici, can be reached at (703) 305-3830. The fax phone number for this group is

(703) 308- 5403.

CHARLES RONES
PRIMARY EXAMINER

*G. U.* 

Jacques Veillard

Patent Examiner TC 2100

July 1, 2004